

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KATHRYN S. BUCK,)	CASE NO. 5:99CV0094
)	
Plaintiff,)	JUDGE DAN A. POLSTER
)	
-vs-)	
)	
ANTHONY FRANK, et al.,)	<u>MOTION FOR ATTORNEYS'</u>
)	<u>FEES</u>
Defendants.)	

Now comes counsel for Defendants Anthony Frank and City of Twinsburg and respectfully move this Court for an Order awarding attorneys' fees pursuant to Federal Rule of Civil Procedure 30(g) due to Kathryn Buck's attorney's, Kenneth D. Myers, failure to timely appear for two and one-half hours at depositions he requested be held on December 15, 2000. A copy of the statement of Attorney Michael J. Smakula is attached documenting events that warrant the award of attorneys' fees in this case. Affidavits of Attorneys Michael J. Smakula and Cathryn R. Ensign are also attached. In addition, the court reporter for these depositions was ordered by Attorney Smakula pursuant to an agreement of counsel. The court reporter, Tracey Morse, has indicated that she will bill Attorney Myers separately for her appearance and Defendants request that the Court also order her fees to be paid.

WHEREFORE, counsel for Defendants are requesting that the Court order Attorney Kenneth D. Myers to pay attorneys' fees and costs in the amount of \$997.50 and order payment of court reporter, Tracey Morris' fees paid for the reasons set forth in the accompanying Statement and Affidavits.

Respectfully submitted,

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Attorney for Defendants
City of Twinsburg and Chief Frank

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Attorneys' Fees was filed electronically and served by regular U.S. Mail upon Kenneth D. Myers, Attorney for Plaintiff. 850 Euclid Avenue, Suite 701, Cleveland, Ohio 44114-3358 on this 29th day of December 2000.

/s/ Cathryn R. Ensign
CATHRYN R. ENSIGN

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